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GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT

New Delhi, the 20th March 1947

The following Acts of the Indian Legislature received the assent of the Governor General on the 20th March, 1947, and are hereby published for general information:—

ACT NO. XV OF 1947

An Act to enable duties in connection with vital services to be imposed in an emergency on the Armed Forces of the Crown

WHEREAS it is expedient to enable duties in connection with vital services to be imposed in an emergency on the Armed Forces of the Crown;—

It is hereby enacted as follows:—

1. (1) This Act may be called the Armed Forces (Emergency Duties) Act, 1947. **Short title and extent.**

(2) It extends to the whole of British India.

2. (1) The Central Government may, by notification in the **Emergency duties official Gazette**, declare any specified service to be a service of **Armed Forces** of vital importance to the community:—

Provided that such notification shall remain in force for one month in the first instance, but may be extended, from time to time, by a like notification.

(2) Upon a declaration being made under sub-section (1) and until it is rescinded, it shall be the duty of every person subject to the Indian Army Act, 1911, or the Indian Air Force Act, 1932, or the Naval Discipline Act, in the form in which it is set forth in the First Schedule to the Indian Navy (Discipline) Act, 1934, to obey any command given by any superior officer in relation to employment upon or in connection with the service specified in the declaration; and every such command shall be deemed to be a lawful command within the meaning and for the purposes of the said Acts.

3. Every command given, after the 30th day of September, 1946 and before the commencement of this Act, to any person referred to in sub-section (2) of section 2 by any superior officer in relation to employment upon or in connection with any such service as the Central Government may, by notification in the **official Gazette**, specify in this behalf, shall be deemed to have been a lawful command within the meaning and for the purposes of the Acts referred to in that sub-section, so however that no such person shall be punished by reason only of his not having obeyed any such command.

Validation of certain past commands.

ACT NO. XVI OF 1947

An Act to provide for the continuance of certain provisions of the Defence of India Rules relating to the control of trading with States, and persons and firms belonging to States at war with His Majesty, and the custody of the property belonging to them.

WHEREAS it is expedient to provide for the continuance of certain provisions of the Defence of India Rules relating to the control of trading with States, and persons and firms belonging to States at war with His Majesty, and the custody of the property belonging to them;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Trading with the Enemy (Continuance of Emergency Provisions) Act, 1947.

Continuance of certain emergency provisions.
XXXV of 1939
XX of 1946

(2) It extends to the whole of British India, and applies also to British subjects and servants of the Crown in any part of India, and to British subjects who are domiciled in any part of India, wherever they may be.

(3) It shall come into force on the 25th day of March, 1947.

2. (1) Notwithstanding the expiry of the Defence of India Act, 1939, and the Emergency Provisions (Continuance) Ordinance, 1946—

(a) the provisions of the Defence of India Rules mentioned in the first column of the Schedule to this Act shall continue in force, and shall have effect subject to the modifications specified in the second column thereof;

(b) any order or other instrument made or deemed to be made under or in pursuance of any of the said provisions and in force immediately before the commencement of this Act shall continue in force so far as consistent with the provisions as continued in force by this section and be deemed to be made under or in pursuance of the provisions so continued in force.

XX of 1946.

Effect of rules, etc., inconsistent with other enactments.

(2) The references in sub-section (1) to the Defence of India Rules shall be construed as references to those Rules as modified and continued in force by the Emergency Provisions (Continuance) Ordinance, 1946.

3. The provisions of the Defence of India Rules as continued in force by section 2 and all orders made or deemed to be made under such provisions shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

Delegations.

4. (1) The Central Government may by order direct that any power or duty which by or under any of the provisions as continued in force by section 2 is conferred or imposed upon the Central Government, shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by any officer or authority subordinate to that Government or by any other authority.

(2) All orders delegating any power or duty conferred or imposed by any of the provisions continued in force by section 2 made by the Central Government before the commencement of this Act and in force immediately before such commencement, shall continue in force and be deemed to be made by the Central Government under this section.

5. (1) No order made or deemed to be made in exercise of ~~Savings as to~~ any power conferred by or under any of the provisions continued ~~orders.~~ in force by section 2 shall be called in question in any court.

(2) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under any of the aforesaid provisions, a court shall, within the meaning of the Indian Evidence Act, 1872, presume that such order ^{I of 1872} was so made by that authority.

6. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any of the provisions continued in force by section 2 or any order made or deemed to be made thereunder. Protection of action taken under rules.

(2) No suit or other legal proceeding shall lie against the Crown for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of any of the provisions continued in force by section 2 or any order made or deemed to be made thereunder.

THE SCHEDULE

(See section 2)

Provisions of the Defence of India Rules continued in force

Number and title of Rule	Modification
1.—Short title	
2.—Definitions	Clause (1) shall be omitted.
3.—Interpretation	Sub-rule (3) shall be omitted.
4.—Saving
5.—Non-compliance with these rules or orders made thereunder.
97.—Definition
98.—Prohibition of trading with the enemy
99.—Control of rights, etc., in respect of trading with the enemy.
100.—Power to appoint Controllers, etc., of Enemy Trading.
100A.—Powers of Controllers, etc., of Enemy Trading.
101A.—Penalty for failure to comply with orders of Controllers, etc.
103.—Definitions
104.—Prohibition of trade with enemy firms and purchase of enemy currency.
105.—Power to appoint Controllers, etc., of enemy firms.
106.—Powers of Controllers, etc., of enemy firms
108.—Penalty for failure to comply with orders of Controllers, etc.
110.—Contracts with enemy firms
111.—Transfer of property to or by enemy firms
113A.—Power to carry on business of enemy firms
114.—Collection of debts of enemy firms and custody of property.
114A.—Power to control and wind up certain business.

Number and title of Rule	Modification
117.—False statements
117A.—Power to require production of books, etc.
121.—Attempts, etc., to contravene rules
122.—Offences by corporations
123A.—Burden of proof in certain cases
130.—Cognizance of contraventions of the rules, etc. Sub-rules (3) and (4) shall be omitted.	

G. H. SPENCE,
Secy. to the Govt. of India.